

To complete the election of Group III, applicants elect the following species of the route of administration: intratumoral administration.

REMARKS

Claims 1-63 are now pending in the subject U.S. patent application. Claims 1-63 as filed have been subjected to a Restriction/Election Requirement.

In response to the Restriction/Election Requirement, applicants have elected the claims of Group III, claims 36-63 (in part), for prosecution at this time. Applicants have also elected the following species: intratumoral administration, upon which to initiate the search. Applicants respectfully submit that all of claims 36-63 read on the elected species.

Applicants hereby reserve the right to file one or more divisional patent applications directed to the unelected subject matter.

With respect to the species election, applicants respectfully submit that the election of the above-mentioned representative species is for the purpose of fully complying with the elections required by the Patent Office. However, applicants respectfully submit that the subject matter elected for prosecution herein is not to be interpreted as being limited by a particular route of administration. As such, applicants respectfully submit that the species election with respect to a route of administration is believed to be mooted by the election of Group III, and applicants respectfully request that the Patent Office withdraw the species election.

Applicants respectfully submit, however, that if the species election is maintained, the election of the above-mentioned representative species does not place an undue burden on the Examiner to perform a complete search of the defined areas. The present species election is made without traverse to the extent that it is understood that, upon the finding of an allowable species, examination will continue until all species have been examined, or a non-allowable species is found, all in accordance with the procedures set forth in the Manual of Patent Examining Procedure § 803.02. For example, upon search of additional species by the Examiner, the species represented by the route of administration presented in claims 27 and 35 could be the species first

Appl. Serial No.: 10/574,129

listed in claims 27 and 35 (i.e., intravenous administration), followed by the next species recited in these claims, and so on.

Additionally, applicants note that the Patent Office has indicated that the examination will proceed with respect to SEQ ID NO: 7 recited in claim 44. Applicants respectfully submit, however, that claim 36 is not to be interpreted as being limited to an siRNA comprising just this sequence. Applicants respectfully request that the Patent Office examine the full scope of the elected Group as this is not believed to place an undue burden on the Examiner in accordance with the procedures set forth in the Manual of Patent Examining Procedure § 803.02

CONCLUSIONS

Should there be any minor issues outstanding in this matter, the Examiner is respectfully requested to telephone the undersigned attorney. Early passage of the subject application to issue is earnestly solicited.

Deposit Account

The Commissioner is hereby authorized to charge any underpayment or credit any overpayment of fees associated with the filing of this correspondence to Deposit Account Number 50-0426.

Respectfully submitted,

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